

Reconsideration of the above-identified application is request in view of the following remarks.

### **REMARKS**

#### ***Status of the Claims***

Claim 7 is currently pending.

The Examiner has rejected claim 7.

Based on the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

#### ***Objection to the Oath/Declaration***

The Examiner has objected to the oath stating that “[t]he C-I-P oath does not contain a reference to the parent application and is, therefore, objected to.” Applicant wishes to thank the Examiner for pointing out this unintentional error. Applicant will file a corrected Declaration upon notification of allowable claims.

#### ***Rejections under 35 U.S.C. § 102***

The Examiner has rejected claim 7 under 35 U.S.C. §102(e) as anticipated by Smith et al. (U.S. Pat. No. 6,428,759). Applicant respectfully traverses this rejection.

According to the Examiner, “[t]he Smith patent discloses a process for producing sodium bicarbonate (please see col. 10 lines 7-9), comprising: Dissolving a sodium bicarbonate trona ore in a solution to form a brine; Neutralizing the brine; Dissolving calcined trona in said neutralized brine to form a feed liquor; Introducing the feed liquor into a sodium carbonate monohydrate crystallizer (please see claims 1 and 2 in U.S.

Patent 6,428,759); Sending the monohydrate mother liquor purge stream to a sodium decahydrate crystallizer (please see col. 9 lines 58-59); melting the sodium carbonate decahydrate crystals to produce a solution containing about 30% by weight of sodium carbonate (please see col. 9 line 67 to col. 10 line 5); and Carbonating the solution formed by melting the crystals to produce sodium bicarbonate, which can be separated and recovered as a product (please see col. 10 lines 7-10).” See Office Action at pages 2-

3. Applicant respectfully disagrees with the Examiner.

According to the M.P.E.P., “to anticipate the claim, the reference must teach every element of the claim.” See M.P.E.P. §2131, Eighth Edition, Rev. Aug. 2005, at page 2100-76. Currently pending claim 1 is directed to, “A method of reducing waste-water effluent stream produced during the conversion of trona ore into sodium bicarbonate comprising... utilizing said waste-water effluent as a feed stream for a process of converting sodium carbonate into sodium carbonate decahydrate with the concomitant production of a first downstream waste-water effluent stream, and converting said sodium carbonate decahydrate to sodium bicarbonate with the concomitant production of a second downstream waste-water effluent stream, whereby the total amount of effluent waste-water in the two aforesaid downstream waste water effluent streams is less than the amount of the effluent waste water in said first waste water effluent stream.” See Claim 1, as currently pending (emphasis added). In contrast, Smith et al. is directed to the production of sodium carbonate and only briefly mentions the possibility of producing sodium bicarbonate. Smith et al. does not teach or discuss that the total downstream waste-water effluent is less than the amount of effluent waste water from sodium carbonate production. Furthermore, there is no discussion in Smith et

al. that the waste-water effluent stream from sodium carbonate production differs from those of potential downstream production steps. Nevertheless, the Examiner contends that inherently "the total amount of waste water from the production of sodium bicarbonate and also from the production of sodium carbonate decahydrate would be less than the amount of effluent stream from the production of sodium carbonate due to mass balance." See Office Action at page 3, sixth paragraph. Applicant respectfully disagrees. Inherent anticipation requires that the missing descriptive material is 'necessarily present,' not merely probably or possibly present. See *Rosco Inc. v. Mirror Lite Company*, 64 USPQ 2d 1676 (CAFC 2002). Thus, the mere fact that waste-water effluent streams from potential downstream steps may result in less total waste-water effluent than from sodium carbonate production is not sufficient. As such, Applicant respectfully asserts that Smith et al. does not and cannot anticipate the presently claimed invention because Smith et al. does not teach or suggest all of the claim limitations of the presently claimed invention. Applicant respectfully requests reconsideration and reversal of this rejection.

Respectfully submitted,

Sept 27, 2006  
Date

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